



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

CERTIFIED - RETURN RECEIPT REQUESTED

August 20, 2002

Mr. Richard E. Bonner
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Permit/Authorization No.: 0176979-001-JC
County: Collier
Project: Gulf Intracoastal Waterway Maintenance Dredging, Naples to Gordon
Pass

Dear Mr. Bonner:

Your request for a Joint Coastal Permit, issued pursuant to Chapter 161 and Part IV of Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code, has been approved by the Department. Please read the enclosed permit and permit conditions closely before starting construction. Particularly note the permit conditions pertaining to written reports that must be submitted to the Department at specified times.

Please direct any questions regarding this document to me by letter at the above address (add Mail Station 300), or by telephone at (850) 487-4471, ext. 122.

Sincerely,

Donald R. Deis
Bureau of Beaches and Wetland Resources

cc: Jon Staiger, Ph.D., City of Naples, 735 Eight Street South, Naples, Florida 34102
Mr. E. Daniel Spina, Save the Bays Association, Inc., P.O. Box 1593, Naples, Florida 34103-4347
Lucy Blair, DEP, South District Office, Fort Myers
Jennie Cowart, DEP, South District Office, Fort Myers
Mike Shirley, FDEP, Rookery Bay Aquatic Preserve
Robbin Trindell, FWCC, BPSM
DEP, BBWR File
DEP, BBWR Permit Information Center



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CONSOLIDATED JOINT COASTAL PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Mr. Richard E. Bonner
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

Permit/Authorization No.: 0176979-001-JC
Date of Issue: August 20, 2002
Expiration Date/
Construction Phase: August 20, 2012
County: Collier
Project: Gulf Intracoastal Waterway
Maintenance Dredging, Naples to Gordon Pass

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62 and 40, Florida Administrative Code (F.A.C.). This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, and certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, and Chapter 258, F.S., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The U. S. Army Corps of Engineers (Corps) is hereby authorized to construct the work in accordance with the permit project description and conditions, including the water quality monitoring requirements, and other application documents attached hereto or on file with the Department and specifically made a part hereof.

The Corps will facilitate a contractual agreement between the Department and the local project sponsor, the City of Naples, under which the City of Naples will be responsible for conducting monitoring and beach maintenance activities for the protection of nesting marine turtles, their hatchlings and their habitat. The agreement is enforceable against the City of Naples and is independent of this permit. In the event that the agreement is not executed or the City of Naples does not conduct all necessary marine turtle protection and monitoring requirements, the Corps is still responsible for those marine turtle protection measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and the plans and specifications for this project.

PROJECT DESCRIPTION:

The project is to dredge approximately 150,000 cubic yards of beach compatible material from approximately 4.5 miles of the Federal Channel in the Gulf Intracoastal Waterway (GIWW). Dredging will be to a depth of -12 feet Mean Lower Low Water (MLLW) in Cut 1 (within Gordon Pass) and to a depth of -10 feet MLLW from Cut 2 through Cut 15 (within the GIWW). The shoal at the intersection of Cut 2 and Cut 3 will not be dredged because the materials have been determined not to be beach compatible. The material will be placed on the beach approximately 300 feet south of Gordon Pass extending approximately 4,000 feet south on Keewaydin Island.

LOCATION:

Located at Gordon Pass, the GIWW, and Keewaydin Island; Collier County, Sections 10, 15, 21, 22, 27, 28, Township 50 South, Range 25 East, in the Gulf of Mexico and the GIWW, Class III Waters, within and adjacent to Outstanding Florida Waters.

GENERAL CONDITIONS:

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total

project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.

4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.

6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.

8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.

10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall

include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. Prior to each dredging event, the Corps will provide two copies of final construction plans and specifications for all authorized activities, which include the project specifications listed in the Department's Consolidated Notice of Intent to Issue a Joint Coastal Permit and Authorization to Use Sovereign Submerged Lands and all protection measures specified in the applicable U. S. Fish and Wildlife Service Biological Opinion.
2. Prior to each dredging event, the Corps will provide to the Department two copies of the Contractor's Environmental Protection Plan submitted in accordance with Section 01355, Para. 1.5 of the project specifications.
3. At least 30 days prior to the commencement of each maintenance dredging event to be conducted during the term of this permit, the Corps shall submit the geotechnical information identified in Specific Condition No. 6 below and a proposed schedule of dredging for the maintenance dredging event. This information shall be submitted to the DEP, Bureau of Beaches and Wetland Resources, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 and to the DEP, South District Office, Submerged Lands and Environmental Resources Program, (PO Box 2549), 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902-2549.
4. At least 7 days prior to the planned commencement date of construction, the Corps will schedule a pre-construction conference to review the specific conditions of this permit and the environmental protection contract specifications with the Corps' contractors, work crews, the Department's permit staff representative, and the marine turtle permit holder. The permittee shall provide a minimum of 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Bureau of Beaches and Wetland Resources
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000
fax: (850) 488-5257

FWCC Office of Environmental Services
Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
fax: (850) 921-4369

DEP South District Office
Submerged Lands and Environmental Resources Program
(PO Box 2549)
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33902-2549
fax: (941) 332-6969

5. The Corps will coordinate with their local sponsor (the City of Naples) to assure that a draft contractual agreement between the City of Naples and the Department has been submitted to the Department **prior to construction**. This agreement shall state that the City of Naples will be responsible for conducting monitoring and beach maintenance activities for the protection of nesting marine turtles, their hatchlings and their habitat. In the event that the City of Naples does not conduct all necessary marine turtle protection and monitoring requirements, the Corps is still responsible for those marine turtle protection measures specified by the applicable U. S. Fish and Wildlife Service Biological Opinion and the plans and specifications for this project.

6. Pursuant to 62B-41.007 (2)(j), F.A.C., to protect the environmental functions of Florida's beaches, only beach compatible fill shall be placed on the beach. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Such material shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm (4.0f) and 4.76mm (-2.25f) (classified as sand by either the Unified Soils or the Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the disposal site and shall not contain:

- (1) Greater than 5 percent, by weight, silt, clay or colloids passing the #230 sieve (4.0f);
- (2) Greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25f);
- (3) Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found on the native beach;
- (4) Construction debris, toxic material or other foreign matter; and
- (5) Not result in cementation of the beach.

If rocks or other non-specified materials appear on the surface of the filled beach in excess of 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas shall also be tested for subsurface rock percentage and remediated as required. If the natural beach exceeds any of the limiting parameters listed above, then the fill material shall not exceed the naturally occurring level for that parameter.

7. During construction, the Corps and the Contractor are responsible for maintaining environmental requirements for protection of manatees and marine turtles as described in Section 01355, Para. 3.1.5 of the project specifications.

8. A shore-parallel sand dike will be constructed and maintained at the beach fill area at all times during hydraulic discharge in order to minimize turbid discharges into Outstanding Florida Waters.

MONITORING REQUIRED:

Water Quality - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least 4 hours apart during all dredging and disposal operations.

(Dredge Site) Location:

Background: At mid-depth, at least 300 meters upcurrent from the dredge or discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or discharge point or at the edge of any seagrass beds (whichever is closer) within the densest portion of any visible turbidity plume.

Beach Disposal Site Location:

Background: At the surface and 1 meter above the bottom, approximately 150 meters offshore and at least 300 meters upcurrent from the discharge point and clearly outside of the influence of any turbidity generated by this project.

Compliance: At the surface and 1 meter above the bottom, approximately 150 meters offshore and no more than 150 meters downcurrent from the discharge point within the densest portion of any visible turbidity plume.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. During all maintenance dredging and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. If monitoring reveals turbidity levels at the compliance sites **within the OFW exceed the associated background levels** or the compliance sites **outside of the OFW are greater than 29 NTUs above the associated background** turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

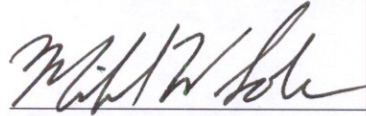
The following measures shall be taken by the permittee whenever turbidity levels at the limit of the mixing zone exceed the standards described in the Monitoring Required section, pursuant to Rule 62-302, F.A.C.:

- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation.
- c. Notify the Office of Beaches and Coastal Systems at (850) 487-4471 and the DEP South District Office at (941) 332-6975 within 24 hrs. of the time the violation is first detected.

Copies of all reports (Turbidity Monitoring Test Report, Section 01411, Appendix A, Plans and Specifications) shall be submitted to the Bureau of Beaches and Wetland Resources in Tallahassee and the DEP South District Office in Fort Myers on a weekly basis within seven days of collection. The data shall be submitted with a cover letter containing the following information: (1) permit number; (2) a statement describing the methods used in collection, handling, storage and analysis of the samples; (3) a map indicating the sampling locations, which also **shows the limits of the OFW**; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Executed in Tallahassee, Florida.

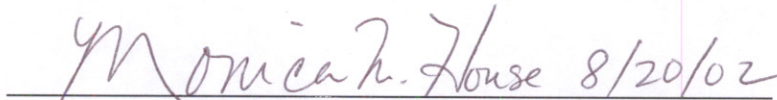
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Michael Sole, Chief
Bureau of Beaches and Wetland Resources

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Deputy Clerk Date